

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16-00329-01-CR-W-GAF
)	
JESUS GONZALEZ-QUEZADA,)	
)	
Defendant.)	

ORDER

Now pending before the Court is the Government’s Motion for Order for Examination to Determine If Defendant Is Subject to Hospitalization Pursuant to 18 U.S.C. § 4246 (doc. 56). The Court received a psychological report dated June 23, 2017, in which Evan S. Du Bois, Psy.D. opined defendant’s mental condition continued to render him incompetent to proceed at trial and that his competency was unlikely to be restored in the foreseeable future (doc. 43). On August 15, 2017, a hearing was held by United States Magistrate Judge Matt W. Whitworth. Both parties stipulated to the Psychological Evaluation Report and the hearing was continued to October 16, 2017, at which time the parties again stipulated to Dr. Du Bois’ report. The Government then requested a dangerousness evaluation be conducted pursuant to 18 U.S.C. § 4246 (doc. 56). Defense counsel did not object.

On November 6, 2017, United States Magistrate Judge Matt W. Whitworth issued his Report and Recommendation (doc. 58).

Upon careful and independent review of the pending motion, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Matt W. Whitworth.

Accordingly, it is

ORDERED that defendant Jesus Gonzalez-Quezada is found incompetent to proceed to trial and that there is not a substantial probability that his competency is likely to be restored in the foreseeable future. It is further

ORDERED that defendant Jesus Gonzalez-Quezada is returned to the United States Medical Center for Federal Prisoners in Butner, North Carolina for a dangerousness assessment. Pursuant to 18 U.S.C. §§ 4246, 4247(b), defendant Jesus Gonzalez-Quezada should be evaluated for a reasonable time, not exceeding forty-five days, to determine whether he is “presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another.”

IT IS FURTHER ORDERED that prior to the expiration of the forty-five (45) day period, an updated report on defendant’s capacity to permit the trial to proceed shall be submitted to the Court.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: November 20, 2017